

SOUTH DAKOTA REAL ESTATE COMMISSION
MAY 3, 4 & 5, 2004
HOLIDAY INN EXPRESS
110 EAST STANLEY ROAD
FORT PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 1:36 p.m. on May 3, 2004 in the Conference Room of the Holiday Inn Express, Fort Pierre, South Dakota. Present for the meeting were Chairman Loren Anderson and commission members Eileen Fischer and Brian Jackson. Commission members Charles Larkin and Dennis Eismach were absent from the meeting on May 3, 2004. Also present were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer and secretary Norma Schilling.

Motion by Jackson, second by Fischer, to approve the minutes of the March 22, 23 & 24, 2004 meeting. Motion carried.

Motion by Jackson, second by Fischer, to accept the financial report for March 2004. Motion carried.

The executive director informed the Commission that Barbara Stoick has completed her education requirements so no action is necessary on Item 16 of the agenda.

The executive director briefed the commission on the task force meeting that was held April 14, 2004 regarding inspection reports, education and other issues involving home inspectors. The executive director was instructed by the commission to check on E & O coverage with the present group provider for home inspectors.

Motion by Jackson, second by Fischer, to enter into executive session at 1:58 p.m. Motion carried.

The informal consultation on complaint #2004-012, Baldwin vs. A & A Professional Property Management, Inc./Riss was convened by Chairman Anderson at 2:00 p.m. Present for the consultation in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, secretary Norma Schilling and respondent Mary Riss. The consultation concluded at 2:15 p.m.

Motion by Jackson, second by Fischer, to come out of executive session at 2:30 p.m. Motion carried.

Motion by Jackson, second by Fischer, to dismiss the complaint against Mary Riss and have the executive director write a letter to Ms. Riss suggesting that she attend a 6 hour course in license law and also include in the letter any other information the executive director deems necessary. Motion carried.

The executive director informed the commission that another state agency visited with her regarding the possible transfer of the regulation of mobile home dealers to the Real Estate Commission.

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The executive director informed the commission that she had received a proposal from Debbie Long for an instructor/course development workshop.

Motion by Jackson, second by Fischer, to enter into executive session at 3:00 p.m. Motion carried.

The informal consultation on complaint #2004-009, Huffman vs. The Real Estate Center/Eaton & Fred Ening Real Estate/Ening was convened at 3:05 p.m. Present for the consultation in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, secretary Norma Schilling, complainants Louis and Janice Huffman, Melvin Eaton, responsible broker Rich Harr and respondents Cathy Eaton and Fred Ening. Commission member Dennis Eismach joined the consultation at 3:25 p.m. The consultation concluded at 4:00 p.m.

Motion by Eismach, second by Fischer, to come out of executive session at 4:55 p.m. Motion carried.

Motion by Jackson, second by Fischer, to offer to enter into a Stipulation and Assurance of Voluntary Compliance with Cathy Eaton and Fred Ening that each pay a fine of \$350 and complete 6 hours of continuing education in agency. Motion carried with Eismach abstaining.

The meeting recessed at 5:00 p.m. and reconvened at 8:30 a.m. on May 4, 2004.

Commission member Larkin joined the meeting on May 4, 2004. Commission member Eismach was not present for the meeting on May 4, 2004.

The executive director informed the commission that the office had received a new broker associate application from Bernard Haag requesting that the commission reconsider his application because he had fulfilled all his judgments since the denial of his previous application. Following discussion, Larkin moved, seconded by Fischer, to grant a broker associate license to Bernard Haag and have the executive director write him a letter informing him that he will not be able to hold a trust account when he is eligible to become a responsible broker and if he would want to open his own office. Motion carried.

Motion by Jackson, second by Fischer, to enter into executive session at 8:50 a.m. Motion carried.

Chairman Loren Anderson at 9:00 a.m. convened the formal hearing on the application appeal of Steve Folk. Present for the hearing were commission members Eileen Fischer, Brian Jackson and Charles Larkin. Also present were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, secretary Norma Schilling, court reporter Carla Bachand and applicant Steve Folk. Chairman Anderson declared the hearing closed at 9:10 a.m.

Motion by Larkin, second by Jackson, to come out of executive session at 9:15 a.m. Motion carried.

Motion by Larkin, second by Jackson, to grant a responsible broker license to Steve Folk. Motion carried.

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Further discussion was held on the proposal for the instructor/course development workshop. Motion by Jackson, second by Fischer, to approve the proposal of Debbie Long for an instructor/course development workshop. Motion carried.

Further discussion was held on the home inspector task force meeting. The executive director was instructed to invite a home inspector to the next meeting to discuss concerns on the home inspection reports.

Discussion was held on a draft form for meth disclosure. The commission suggested that "in the housing" be changed to "on the property".

Discussion was held on a temporary license application approval. The commission suggested that a form be included with the material from instructors to the potential applicant for a request to appear before the commission prior to taking the classes.

Hearing Officer Julie Johnson at 10:00 a.m. convened the formal hearing on complaint #2004-005, SDREC vs. All States Realty/Elbers/VanDerBrink. Present for the hearing in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, secretary Norma Schilling, court reporter Carla Bachand, defendants Edwin Elbers and Yvette VanDerBrink and their attorney Roger Hunt and witnesses Pat Fines, Joyce Oatfield and Tony Bosch. The hearing closed at 1:31 p.m.

Hearing Officer Julie Johnson at 2:25 p.m. convened the formal hearing on complaint #2004-008, SDREC vs. Janssen Realty/Janssen/Goedken. Present for the hearing in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, secretary Norma Schilling, court reporter Carla Bachand, defendants Larry Janssen and Wayne Goedken and their attorney Justin Hyde, Shawn Howe and witnesses David Howe, Jim Tesch and Rod Kemink. The hearing closed at 5:02 p.m.

The meeting recessed at 5:40 p.m. and reconvened at 8:30 a.m. on May 5, 2004.

Motion by Jackson, second by Larkin, to enter into executive session at 8:35 a.m. to review complaints. Motion carried.

Motion by Larkin, second by Jackson, to come out of executive session at 9:45 a.m. Motion carried.

Complaint #2003-011, SDREC vs. Chell REALTORS/Chell/Young. Motion by Larkin, second by Jackson, to dismiss the complaint. Motion carried.

Complaint #2004-018, Wing vs. United Real Estate Solutions/Peterson & Century 21 Davenport & Associates/Armstrong. Motion by Jackson, second by Larkin, to defer any action until after the civil lawsuit has been resolved. Motion carried.

Complaint #2004-019, Landgraff vs. Charles J. Fischer Agency/Charles Fischer/John Fischer. Motion by Jackson, second by Fischer, to hold an informal consultation. Motion carried.

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Complaint #2004-020, Lokkeberg vs. Chell REALTORS, Inc./Chell. Motion by Larkin, second by Jackson, to dismiss the complaint and have the executive director write a letter to Mr. Chell regarding inadequacies. Motion carried.

Motion by Larkin, second by Fischer, to approve the meth disclosure form as discussed. Motion carried.

Dennis Eisnach joined the meeting at 10:00 a.m.

Discussion was held on appointed agency. The commission will review the material handed out and discuss at a future meeting.

Motion by Jackson, second by Larkin, to appoint Loren Anderson, Eileen Fischer and Dee Jones Noordermeer to a legislative task force. Motion carried.

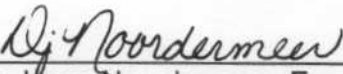
Discussion was held on the ARELLO Southern/Central District Conference in Charleston, SC June 24-26, 2004. Motion by Jackson, second by Fischer, to submit a request for 3 commission members to attend the conference. Motion carried.

Discussion was held on the Annual ARELLO Conference to be held in Pittsburgh, PA October 2-5, 2004. Motion by Larkin, second by Eisnach, to submit a request for all 5 commission members to attend the conference. Motion carried.

The next meeting of the Commission will be held June 16, 17 & 18, 2004 in Pierre.

There being no further business, Larkin moved, seconded by Jackson, to adjourn at 11:15 a.m. Motion carried.

Loren Anderson, Chairman



Dee Jones Noordermeer, Executive Director

I, Dee Jones Noordermeer, hereby certify that the above is a true and correct copy of the minutes of the South Dakota Real Estate Commission meeting held on May 3, 4 & 5, 2004.

Dee Jones Noordermeer, Executive Director